



Reckitt Benckiser (Australia) Pty Limited
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Group Patents Department
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TO:	
TO:	
CASE NUMBER	
DIARY	
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INVOICE	
ACKNOW	
RENEWALS	

Your Reference: 11345PS-GB/ICM
Application No: GB 0326053.6

The Patent Office
Patents Directorate

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26 March 2004

Dear Sirs

Patents Act 1977:
Combined Search and Examination Report under Sections 17 and 18(3)

Latest date for reply: 7 November 2005

I enclose two copies of my search and examination report and a copy of the citations.

By the above date you should either file amendments to meet the objections in the report or make observations on them. If you do not, the application may be refused.

Publication

I estimate that, provided you have met all the formal requirements, preparations for publication of your application will be completed soon after **29 March 2005**. At this time you will receive a letter confirming the exact date when the preparations for publication will be completed. This letter will also tell you the publication number and date of publication of your application.

Withdrawal/amendment

If you wish to withdraw your application before it is published you must do so before the preparations for publication are complete. **WARNING** - after preparations for publication are complete it will NOT be possible to withdraw your application from publication.

[†]Use of E-mail: Please note that e-mail should be used for correspondence only.



INVESTOR IN PEOPLE

Application No: GB 0326053.6

Page 2

26 March 2004

If you wish to file amended claims for inclusion with the published application you must do so before the preparations for publication are completed. If you write to the Office less than 3 weeks before 29 March 2005 please mark your letter prominently:

"URGENT - PUBLICATION IMMINENT".

Yours faithfully

L.V. Thomas
Examiner

Important information about combined search and examination

I also ask that you take note of the following points. These might have a bearing on the future stages of your application because the examination report has been sent to you before your application has been published.

- (a) You may file voluntary amendments before making a full response to my examination report. We will publish with your application any new or amended claims you file voluntarily or as a full response, provided that they are received before preparations for publication are completed. It would help us when you file amendments before publication if you could prominently indicate in a covering letter whether or not the amendments are intended as a full response to the examination report.
- (b) If you file a full response to the examination report before your application is published I will consider it as soon as possible. However, if this would disrupt the publication of your application, I would have to delay taking any action until the application had been published. This delay could be up to 3 months, depending upon when we receive your response.
- (c) There is another situation when there might be a delay between you filing a full response and the Patent Office responding to it. This would arise if you met all my objections but your application had not or had only recently been published. I could not report the outcome of my re-examination until I was satisfied that the search was complete for documents published before the priority date of your invention and that anybody interested in the application has had three months following publication of the application to make observations on the patentability of your invention.
- (d) Provided that the requirements of the Act have been met, I can send your application to grant as early as three months after publication. Before doing so I will bring the original search up to date and raise with you any further objection that might result from this top-up search. However, there is a possibility that at that time I may not have access to all the patent applications published after the priority date of your invention and of possible relevance to your application. If this is the case I would have to complete the search after grant and if necessary raise any new found novelty objection then.



Application No: GB 0326053.6
Claims searched: 1-61

Examiner: L. V. Thomas
Date of search: 25 March 2004

Patents Act 1977 : Search Report under Section 17

Documents considered to be relevant:

Category	Relevant to claims	Identity of document and passage or figure of particular relevance	
X	1-19,23, 24,34-50, 57-61	FR 2785147 A1 ✓	(BAYER AG) see p.2 l.19 - p.4 l.7 and WPI abstract Acc. No. 2000-351844 [31]
X	As above	WO 96/32843 A2	(S.C. JOHNSON) see p.4 ll.12-29, p.5 l.24 - p.6 l.8, p.6 l.29 - p.7 l.5 and p.8 ll.7-18
X	1-7,20-53,57-61	EP 0792581 A1 ✓	(SUMITOMO) see p.2 ll.21-56, p.3 ll.5-15 and Examples
X	1-7,34-50,57-61	GB 2225533 A	(SUMITOMO) see p.2 l.8 - p.4 l.2, p.5 ll.1-7, p.7 ll.1-6 and Examples
X	1-7,34-50,57-61	EP 0926129 A1	(SUMITOMO) see whole document, especially p.8 ll.32-36
X	1,6,20,23, 24,57-59	EP 0775441 A1 ✓	(EARTH CHEMICAL) see p.3 l.10 - p.4 l.6, p.6 l.57 - p.7 l.7, p.7 ll.44-46 and Examples
A	1	US 5641499	(BENCSTIS) see whole document
A	1	JP 2003081708 ✓	(DAINIPPON) see WPI abstract Acc. No.2003-673799 [64]

Categories:

X	Document indicating lack of novelty or inventive step	A	Document indicating technological background and/or state of the art.
Y	Document indicating lack of inventive step if combined with one or more other documents of same category.	P	Document published on or after the declared priority date but before the filing date of this invention.
&	Member of the same patent family	E	Patent document published on or after, but with priority date earlier than, the filing date of this application.

Field of Search:

Search of GB, EP, WO & US patent documents classified in the following areas of the UKC^w:

Worldwide search of patent documents classified in the following areas of the IPC⁷:

A01N

The following online and other databases have been used in the preparation of this search report :



INVESTOR IN PEOPLE

Application No: GB 0326053.6
Claims searched: 1-61

Examiner: L. V. Thomas
Date of search: 25 March 2004

Online: EPODOC, WPI, PAJ, BIOSIS



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Page 1/2

Patents Act 1977 Combined Search and Examination Report under Sections 17 & 18(3)

Novelty

1. The invention as defined in claims 1-6, 8-16, 20, 22-24 and 57-59 is not new because it has already been disclosed in each of the following documents:

- A. FR 2785147 A1 (BAYER AG) see p.2 l.19 - p.4 l.7 and WPI abstract Acc. No. 2000-351844 [31]
- B. WO 96/32843 A2 (S.C. JOHNSON) see p.4 ll.12-29, p.5 l.24 - p.6 l.8, p.6 l.29 - p.7 l.5 and p.8 ll.7-18
- C. EP 0792581 A1 (SUMITOMO) see p.2 ll.21-56, p.3 ll.5-15 and Examples
- D. GB 2225533 A (SUMITOMO) see p.2 l.8 - p.4 l.2, p.5 ll.1-7, p.7 ll.1-6 and Examples
- E. EP 0926129 A1 (SUMITOMO) see whole document, especially p.8 ll.32-36
- F. EP 0775441 A1 (EARTH CHEMICAL) see p.3 l.10 - p.4 l.6, p.6 l.57 - p.7 l.7, p.7 ll.44-46 and Examples

2. With regard to the documents cited above, you should particularly note that C and D disclose the use of an acetone solvent for the pyrethroid, as in present claims 2 and 3 etc., and that C and F disclose a carrier substrate having a honeycomb arrangement as in claim 20 etc.

Inventive step

3. The invention as defined in claims 7, 17-19, 21, 25-53 and 60-61 is obvious in view of what has already been disclosed in the following documents:

- A. FR 2785147 A1 (BAYER AG) see p.2 l.19 - p.4 l.7 and WPI abstract Acc. No. 2000-351844 [31]
- B. WO 96/32843 A2 (S.C. JOHNSON) see p.4 ll.12-29, p.5 l.24 - p.6 l.8, p.6 l.29 - p.7 l.5 and p.8 ll.7-18
- C. EP 0792581 A1 (SUMITOMO) see p.2 ll.21-56, p.3 ll.5-15 and Examples
- D. GB 2225533 A (SUMITOMO) see p.2 l.8 - p.4 l.2, p.5 ll.1-7, p.7 ll.1-6 and Examples
- E. EP 0926129 A1 (SUMITOMO) see whole document, especially p.8 ll.32-36

4. In this respect, there would seem to be no inventive step in using metofluthrin as the pyrethroid, as in claim 7, or in using as carrier a cellulosic substrate of the grammages specified in claims 17-19. With regard to claims 21, 25 and 29, it is considered that there is



Your ref: 11345P5 GB/JCM
Application No: GB 0326053.6

Date of Report: 26 March 2004
Page 2/2

[Examination Report contd.]

no inventive step in providing a "protective" material at each end of the honeycomb, particularly in view of the embodiment shown in Fig. 5 of document C. Furthermore, the packaging of the insect control article and/or the forming of such packaging into a pouch, as claimed in claims 34, 38, 41 and 60, is also thought to be lacking in inventive step since the packaging of such articles is commonplace.

Scope of claims

5. Claim 2 is obscure in scope in so far as it defines the solvent as having "a boiling point range between about 33-330°C" and the word "about", which should not be used in connection with a range of values, should accordingly be deleted. Similarly, the words "about" and "approximately" should also be removed from claims 1, 4, 5 and 8-19.

6. Claim 5, which defines the substrate or matrix solely by reference to parameters, overlaps substantially in scope with claim 1 which necessarily uses a solvent as defined in claim 5 in order to satisfy the criteria specified for pyrethroid emanation - cf. claim 4. Accordingly, claim 5 does not satisfy the requirement of Sec.14(5)(b) and should apparently be withdrawn.

7. Claims 41 and 45 are of essentially the same scope as claims 34 and 38 respectively and should therefore be deleted in view of Sec.14(5)(b) - see also MOPP14.141.

Registered Trade Marks

8. Although they should preferably be avoided, if you wish to keep the references to the Registered Trade Marks "Norpar", "Exxsol" and "Isopar" on p.15, "Velcro" on p.19 and "Sasol" and "Dowanol" on p.32 of your specification, you should acknowledge that they are Registered Trade Marks, possibly by using the abbreviation "(RTM)". If you do not insert an acknowledgment, I will do so in manuscript.

Other matters

9. The passage at p.36 ll.9-15 obscures the scope of the invention claimed and should therefore be deleted or suitably amended.